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OLIVE GARDEN ITALIAN RESTAURANT

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RACHEL W. KOVAR,

Plaintiffs,

vs.

CASE NO.:

GMRI, INC. d/b/a THE OLIVE GARDEN
ITALIAN RESTAURANT, a Florida foreign
corporation; DOE Individuals I through X;
and ROE Corporations and Organizations I
through V, inclusive,

Defendants.

NOTICE OF REMOVAL OF ACTION
(DIVERSITY)

COMES NOW Defendant, GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN RESTAURANT (“Trump”), by and through its attorneys of record, Josh Cole Aicklen, Esq. and Paul A. Shpirt, Esq. of LEWIS BRISBOIS BISGAARD & SMITH LLP, and hereby removes to this court the state court action described below, and in support states as follows:

1. On September 1, 2020, an action was commenced in the Eighth Judicial District Court, Clark County, Nevada, entitled RACHEL W. KOVAR v. GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN RESTAURANT, Case No. A-20-820490-C. (A copy of the Complaint in this state court action is attached hereto as **Exhibit “A.”**)

1 2. The Summons and Complaint were served on GMRI by personal service at
2 Defendant's business address on September 10, 2020.

3 3. This notice is filed timely pursuant to 28 U.S.C. section 1446(b). Thirty days have
4 not elapsed since the case became removable.

5 4. This action is a civil action of which this Court has original jurisdiction under 28
6 U.S.C. section 1332, as there is complete diversity between the parties and I am informed and
7 believe that more than \$75,000 is in controversy, exclusive of interest and costs. Accordingly,
8 pursuant to 28 U.S.C. section 1441, TRUMP is entitled to remove this action to this court.

9 5. This case arises out of a negligence claim, and I am informed and believe that
10 Plaintiff seeks to recover in excess of \$75,000, exclusive of interest and costs.

11 6. Plaintiff is, and during all relevant times was, a resident of the State of California.
12 Defendant GMRI is, and was at the time this action was commenced, a corporation organized and
13 existing under the laws of the State of Florida, with its principal place of business in the state of
14 Florida. Accordingly, there is now, and there was at the time of the commencement of this action,
15 complete diversity between Plaintiff and Defendant.

16 7. The action in the state court was not commenced more than one year before the
17 date of this removal.

18 8. A true and correct copy of this Notice of Removal will be filed with the Clerk for
19 the Eighth Judicial District Court, Clark County, Nevada a copy of which is attached hereto as

20 **Exhibit B.**

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1 Based on the foregoing, GMRI removes this action, which is currently pending in the
2 Eighth Judicial District Court, Clark County, Nevada as Case No. A-20-820490-C to this Court.

3 DATED this 30th day of September, 2020

4 Respectfully submitted,

5
6 LEWIS BRISBOIS BISGAARD & SMITH LLP

7
8 By /S/ Josh Cole Aicklen

9 JOSH COLE AICKLEN

10 Nevada Bar No. 007254

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16 OLIVE GARDEN ITALIAN RESTAURANT
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2020, a true and correct copy of I did cause a true copy of **NOTICE OF REMOVAL OF ACTION (DIVERSITY)** to be placed in the United States Mail, with first class postage prepaid thereon, and addressed as follows:

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An Employee of
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